

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OPENWAVE SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 11-765 (MSG)
)	
APPLE INC., RESEARCH IN MOTION LTD.)	
and RESEARCH IN MOTION CORP.,)	
)	
Defendants.)	

STIPULATED ORDER

WHEREAS, on October 17, 2011, the Court entered a stay of this action pursuant to 28 U.S.C. § 1659 (D.I. 7) (the “Stay”) in deference to a parallel proceeding before the United States International Trade Commission (“USITC”); and

WHEREAS, the USITC proceeding was terminated as of November 13, 2012, after Openwave withdrew its complaint in its entirety;

IT IS HEREBY STIPULATED AND AGREED, subject to approval and order of the Court, as follows:

1. The Stay is lifted. The parties shall propose an appropriate Protective order to facilitate use of the record in the USITC as appropriate.
2. Plaintiff shall file an Amended Complaint withdrawing its infringement allegations concerning U.S. Patent Nos. 6,233,608 and 6,289,212 within two business days of the Stay being lifted.
3. Defendants shall answer, move or otherwise respond to the Amended Complaint within 30 days of the filing of the Amended Complaint.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

*Attorneys for Plaintiff Unwired Planet, Inc.,
f/k/a Openwave Systems Inc.*

MORRIS JAMES LLP

/s/ Mary B. Matterer

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
Kenneth L. Dorsney (#3726)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
rherrmann@morrisjames.com
mmatterer@morrisjames.com
kdorsney@morrisjames.com

Attorneys for Defendant Apple Inc.

POTTER ANDERSON & CORROON LLP

/s/ Richard L. Horwitz

Richard L. Horwitz (#2246)
David E. Moore (#3983)
1313 North Market Street, 6th Floor
Wilmington, DE 19899
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendants Research in Motion
Ltd. and Research in Motion Corp.*

SO ORDERED this ____ day of _____, 2012.

Judge

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